IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4290 of 2006

Surendra Eknath Tisge — Petitioner
Vs.
State of Maharashtra & ors. — Respondents

Mr.P.C.Kansara for petitioner.
Mr.A.H.Palekar, AGP for respondent nos.1 and 2.

CORAM: B.H.MARLAPALLE,J.

July 21, 2006.

P.C.

. Heard Mr.Kansara, the learned counsel for the petitioner and Mr.Palekar, the learned AGP. Perused the record placed before me by the learned AGP and the record reveals that already an FIR has been lodged against the petitioner's establishment. Section 7 of the Bombay Cinemas (Regulation) Act, 1953 deals with penalties for contravention of the Act on conviction by the competent Court.

. By the impugned order dated 17/11/2005 the Collector has suspended the licence of the petitioner i.e. Licence No.1 of 1990 and presumably under Section 8 of the Bombay Cinemas (Regulation) Act, 1953. Mr.Kansara, the learned counsel states that from 18/11/2005 onwards the cinema theatre is closed. The petitioner's appeal has been dismissed on 12/6/2006.

. Though in the first part of the appellate authority's order dated 12/6/2006 reference is made to the order dated 27/11/2006, the said order was actually passed by the Collector, Nashik whereas the appellate authority's order says that the record of the District Collector of Kolhapur was perused. Even in the last paragraph of the said order it is stated that the order dated 29/10/2004 passed by the District Collector, Nashik is confirmed when there is no such order passed against the petitioner on that date. It is, therefore, clear that the order suffers from typographical mistakes or otherwise in appreciating the facts.

. Be that as it may, the petitioner's theatre has remained closed from 18/11/2005 which is now more than 08 months and in Section 8 of the Act a period of suspension has not been mentioned. Though the show cause notice was issued for cancellation of the licence, the Collector thought it appropriate to suspend the licence and this could be for the reasons that the Collector was aware that after filing the FIR the Investigating Officer would take due steps to approach the competent Court by filing a charge-sheet

etc. on investigations so that the proceedings under Section 7 of the Act would be concluded.

. It would be, therefore, appropriate that the petitioner's licence is restored but without affecting the further investigation into the FIR including the trial before the Judicial Magistrate, First Class.

. Hence the petition is disposed off by directing the Addl. Collector, Nashik to restore the petitioner's licence by withdrawing the suspension order by 1st August 2006 and this restoration is without prejudice to the criminal case either instituted or to be instituted against the petitioner.

(B.H.MARLAPALLE,J.)